

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RENEE FASSBENDER AMOCHAEV,
ET AL.,

No. C-05-01298 PJH (JCS)

Plaintiff(s),

v.

CITIGROUP GLOBAL MARKETS, INC.,
dba SMITH BARNEY,

Defendant(s).

**NOTICE OF REFERENCE, DATE, TIME
AND PLACE OF HEARING; ORDER
TO MEET AND CONFER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for resolution of all discovery matters.

The hearing on Plaintiffs' Motion to Compel Production of Relevant *Martens* Documents (the "Motion") has been set for **October 6, 2006, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The opposition(s), if not already filed, shall be electronically filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be electronically filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed in compliance with Civil L.R. 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil L.R. 37-3.

In addition, it appears that counsel have not made adequate efforts resolve this matter without the need for Court intervention. Accordingly, IT IS HEREBY ORDERED that not later

1 than ten (10) days from the date of this Order, lead trial counsel for Plaintiffs and lead trial counsel
2 for Defendant shall meet and confer **in person** regarding the subject matter of the Motion in an
3 effort to resolve the matter. **On or before September 21, 2006**, counsel shall provide a detailed
4 Joint Letter to the Court. This Joint Letter shall include a description of every issue in dispute and,
5 with respect to each such issue, a detailed summary of each party's final substantive position and its
6 final proposed compromise on each issue.

7 **LAW AND MOTION HEARING PROCEDURES**

8 Civil law and motion is heard on Friday mornings, at 9:30 a.m., Courtroom A, 15th Floor,
9 United States District Court, 450 Golden Gate Avenue, San Francisco, California.

10 Motions to compel may be noticed without reserving a hearing date, subject to the Court's
11 availability.

12 Discovery motions may be addressed to the Court in three ways. A motion may be noticed
13 on not less than 35 days notice pursuant to Civil L. R. 7-2. Alternatively, any party may seek an
14 order shortening time under Civil L. R. 6-3 if the circumstances justify that relief. In emergencies
15 during discovery events, the Court is available pursuant to Civil L. R. 37-1(b).

16 In the event a discovery dispute arises, counsel for the party seeking discovery shall in good
17 faith confer **in person** with counsel for the party failing to make the discovery in an effort to resolve
18 the dispute without court action, as required by Fed. R. Civ. P. 37 and Civil L. R. 37-1(a). The
19 meeting must be **in person**, except where good cause is shown why a telephone meeting is adequate.
20 A declaration setting forth these meet and confer efforts, and the final positions of each party, shall
21 be included in the moving papers. The Court will not consider discovery motions unless the moving
22 party has complied with Fed. R. Civ. P. 37 and Civil L. R. 37-1(a).

23 A party or counsel has a continuing duty to supplement the initial disclosure when required
24 under Federal Rule of Civil Procedure 26(e)(1).

25 Law and motion matters may be submitted without argument upon stipulation of the parties
26 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil
27 L. R. 7-7(e), filed motions may be withdrawn without leave of the Court within seven (7) days of the
28 date for service of the opposition. Thereafter, leave of the Court must be sought.

ELECTRONIC FILING AND COURTESY COPIES

Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of California for information relating to electronic filing procedures and requirements.

BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS' COPY." All filings of documents relating to motions referred to the undersigned shall list the civil case number and the district court judge's initials followed by the designation "(JCS)".

The failure of counsel or a party to abide by this Order may result in sanctions pursuant to Fed. R. Civ. P. 16(f).

IT IS SO ORDERED.

Dated: September 6, 2006



JOSEPH C. SPERO
United States Magistrate Judge